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In the Office Action, claims 37-52, 44-47, 49, 52-62, 66-68, and 70-71 are rejected under 35 U.S.C. 103(a) over the patent to Alanara in view of the patent Vanttila.

Claims 43 and 51 are rejected under 35 U.S.C. 103(a) over the patent to Alanara in view of the patents to Vanttila and Winbladh.

Claim 48 is rejected under 35 U.S.C. 103(a) over the patent to Alanara in view of the patents to Vanttila and Soderbacka.

Claim 65 is rejected under 35 U.S.C. 103(a) over the patent to Alanara in view of the patents to Vanttila and Soderbacka.

Claim 69 is rejected under 35 U.S.C. 103(a) over the patent to Alanara in view of the patents to Vanttila and Broust.

Claims 63 and 64 are rejected under 35 U.S.C. 103(a) over the patent to Alanara in view of the patents to Vanttila and Hansson.

At the same time the Examiner indicated that claim 72 was allowed.

The Examiner's indication of the allowance of claim 72 has been gratefully acknowledged. In connection with this, this claim has been retained as it was.

After carefully considering the Examiner's grounds over the rejection of the claims over the art, applicants retained the claims as they were.

It is respectfully submitted that the new features of the present invention as defined in claims 37 and 71 are not disclosed in the references.

Turning now to the prior art applied by the Examiner, and in particular to the patent to Alanara, it can be seen that in contrast to the present invention as defined in claims 37 and 71, this reference does not disclose a central station of a telecommunication network, to which a short message is transmitted. The patent to Alanara, discloses, in contrast to the applicant's invention as defined in the above identified claims, no short message, which is addressed to a subscriber of a telecommunication network. The subscriber in accordance with the subject matter disclosed in this reference must check himself whether a received short message corresponds to a category selected by the subscriber. This reference does not disclose, in contrast to the new features of the present invention as defined in claims 37 and 71, that an information about a makeup and/or a content of the short message (notification message) is transmitted from the central station of the telecommunication network to the

addressed subscriber. In particular, this reference, in contrast to the applicant's invention as defined in claims 37 and 71, does not disclose that such a "notification message" is provided, which is different from the short message.

In the Office Action the Examiner admitted that the patent to Alanara does not specifically disclose sending a short message to a central station of a telecommunication network, wherein the notification message is different from the short message. It should be additionally mentioned that in this reference, in contrast to the applicant's invention as defined in claims 37 and 71, no short message is disclosed, which is addressed to a subscriber of a telecommunication network, but instead the subscriber in accordance with the teaching of the patent to Alanara, itself must check whether a received short message corresponds to a category selected by the subscriber.

In order to compensate for the features which are not disclosed in the patent to Alanara, the Examiner cited the patent to Vantilla with respect to the new features of the present invention as defined in claims 37 and 71. The patent to Vantilla discloses a radio telephone with a keyboard and a display device, for displaying the messages of a subscriber. The method includes the steps of a transmission of a point-to-point short message from an operator through a network to a radio telephone. Also, it discloses the reception of the short message from the network. Finally, it discloses the interpretation of the received short message. Furthermore, it discloses the activation of a network operation

which is specified in the received short message. The method further includes the step of transmission of a short message from the radio telephone to the subscriber, wherein the short message causes the activation of the network function.

In the patent to Vantilla, as disclosed in column 6, lines 5-40, there is a communication between the operator and the subscriber by means of SMS-short messages. Thereby from the operator and from the subscriber corresponding SMS-short messages are produced, which are directly transmitted between the operator and the subscriber, without providing a short message which informs about the presence of a short message in the telecommunication network and without a "notification message" which informs about content and/or makeup of the SMS-short messages and moreover a data field of the SMS-short messages. Since such a "notification message" is not disclosed in the reference, this reference therefore can not teach the features of claim 71, in accordance with which such a "notification message" is sent only after the request of the subscriber.

In connection with the feature "notification message" of the short message, the Examiner makes reference to column 3, lines 13-24 of the patent to Vantilla. It is stated there that in the SMS-short message an "encoding field identifier" is used for identifying the SMS-short message, which contains specific informations utilized for software update purposes, as explained in column 5,

lines 13-16. The "encoding identifier field" is therefore a part of the SMS-message, as explained in column 4, line 64, to column 5, line 7. Furthermore, from column 5, lines 16-24 it is known that the SMS-short message includes two logical parts. A first part is a text part which informs the subscriber that with reception of the message a new menu feature is provided on the display of the mobile station. A second part which is not visible by the subscriber transmits the required information element to the mobile station. Based on these informations, the mobile station activates the menu feature. The two parts can be also sent as two separate SMS-messages or as a joint SMS-message.

The Examiner's opinion that the patent to Vantilla discloses that the "notification message" is different from the short message, is based evidently on the use of the two separate SMS-messages, wherein a first SMS-message contains the text which informs the user about the reception of the new menu feature. This is obviously interpreted by the Examiner as the "notification message". In accordance with the features of claims 37 and 71, it is however provided that as the "notification message" a first data field of the short message is transmitted. This however can not be derived from column 5, lines 13-24 of the patent to Vantilla. The first part of the SMS message which can be transmitted as a separate-SMS-message and informs the user about the receipt of the new menu feature, is however not a data field of the second SMS message which contains a second part that is invisible for the user, namely the required information elements for the activation of the menu feature.

Therefore, it is believed to be clear that, contrary to the Examiner's opinion, the patent to Vantilla does not disclose the feature that the "notification message" is a first data field of the short message. The Examiner did not provide any support about this feature in the Office Action.

This feature also can not be derived from column 2, lines 1-8 of the patent to Alanara which is mentioned by the Examiner in the Office Action. The corresponding part defines that a number of different BCCH message categories can be provided. This includes "emergency information" messages, "time-and data messages", "overload class"- messages, "system identity" messages and "broadcast"-messages. Each BCCH message includes particularly a number of information fields. These fields can include a "protocol discriminator"-field (2 bits), a "message type" field (6 bits) and "SMS message ID"-field (8 bits) and a "text message data"-field (8 to 4 bits). In this part of the text it is specifically stated that there are different message categories which can be transmitted through the broadcast-channel BCCH and assembled as these messages. As stated by the Examiner himself, the patent to Alanara does not disclose a "notification message" which is different from the short message.

In other words, this means that in addition to the SMS-short message, the patent to Alanara does not disclose any "notification message". For this feature, of a "notification message which is separate from the SMS-short

message, the Examiner cites the patent to Vantilla, column 5, lines 13-24. For the further feature of claims 37 and 71, which define the makeup of the "notification message" that is different from the short message as a data field of the short message, the patent to Vantilla however does not provide any hint or suggestion.

Neither from the patent to Alanara, nor from the patent to Vantilla, it is known to provide a "notification message" which is different from the short message and formed as a data field of the short message. This feature means, in other words, that the "notification message" is formed as a data field of the short message, and it is a message which is different from the short message. This feature is not disclosed in the patent to Alanara and Vantilla and can not be derived from them as a matter of obviousness.

As for the other references applied by the Examiner against the dependent claims, these references also do not teach the new features of the present invention as now defined in claims 37 and 71.

As explained herein above in detail, none of the references teaches the new features of the present invention as defined in claims 37 and 71. The present invention also can not be derived from the combination of the references. In order to arrive at the applicant's invention from the references taken singly or in combination, the references have to be fundamentally modified. In particular

by including into them the new features of the present invention as defined in claims 37 and 71. However, it is known that in order to arrive at a claimed invention, by modifying the references the cited art must itself contain a suggestion for such a modification.

This principle has been consistently upheld by the U.S. Court of Customs and Patent Appeals which, for example, held in its decision in re Randol and Redford (165 USPQ 586) that

Prior patents are references only for what they clearly disclose or suggest, it is not a proper use of a patent as a reference to modify its structure to one which prior art references do not suggest.

Definitely, the references do not contain any hint or suggestion for such significant modifications to include the new features of the present invention which were first proposed by the applicant.

In view of the above presented remarks and amendments, it is believed that claims 37 and 71 should be considered as patentably distinguishing over the art and should be allowed.

As for the dependent claims, these claims depend on the independent claim, they share its presumably allowable features, and therefore it is respectfully submitted that they should be allowed as well.



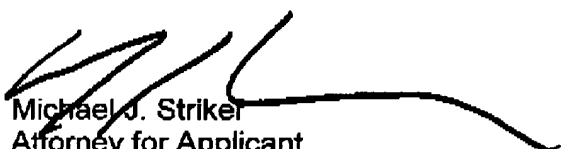
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Reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance; he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,



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